



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,661	04/12/2000	William T. Rowse	200-0053	5848

28395 7590 05/28/2003

BROOKS & KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,661

Applicant(s)

ROWSE ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002 and 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 27-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-14 and 27-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Claims 1, 3-14, and 27-50 are currently pending in application 09/547,661.
2. The final rejection of Claims 1, 3-14, and 27-50 under 35 U.S.C. 102(b) based upon a public use or sale of the invention is withdrawn due to inventor's declaration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (US 6,076,066) in view of Nikon ("Nikon Offers Digital Laptop Camera," National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997).
5. As per independent Claim 1, DiRienzo discloses a system for processing a concern, the system comprising: a service station having a first computer and a digital camera assembly for capturing digital information related to the product concern; a reviewer station having a second computer for receiving the captured digital information from the service station and for determining how to address the concern; and a communication port for connecting the first computer at the service station with the second computer at the reviewer station for transmitting information related to the concern including the

captured digital information (C12 31-40). (Abstract, C11 L13-29, C11 L50-60, C12 31-52, C26 L8-33)

6. DiRienzo fails to expressly disclose a product concern, a removable digital camera, and wherein the captured digital information is automatically transmitted from the digital camera to the first computer upon placing the digital camera in electrical communication with the first computer with the service station.
7. Nikon teaches a digital camera which allows “insurance agents and investigators the ability to instantly capture and download images showing property damage and liability claim substantiation into a notebook computer.” Nikon also teaches that the camera “slides directly into the laptop’s personal computer card slot ... in seconds, full-color images appear on screen, ready to be emailed, printed or inserted into a document” (“Nikon Offers Digital Laptop Camera,” National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997).
8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a product concern, a removable digital camera, and wherein the captured digital information is automatically transmitted from the digital camera to the first computer upon placing the digital camera in electrical communication with the first computer with the service station, as disclosed by Nikon in the system disclosed by DiRienzo, for the advantage of providing a system for processing a customer product concern with the ability to provide customers localized service through a portable service station.

9. Claims 3, 5-9, 13-14, 27, 29, 30-32, 36-37, 40, 41, 44-46, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo in view of Nikon, and further in view of Bradbury (US 5,442,512).
10. As per independent Claim 27, DiRienzo discloses a system for processing a concern, automatically associating an identifying indicia with the at least one image, and a remotely positioned reviewer computer for receiving at least one image and associated identifying indicia from the service computer via a communication network to determine how to correct the concern (C12 31-40). (Abstract, C11 L13-29, C11 L50-60, C12 31-52, C26 L8-33)
11. DiRienzo fails to disclose the system comprising: *a housing* having a removable service computer for receiving data indicative of a product concern; a removable digital camera for capturing at least one image of the product concern wherein the service computer and digital camera are configured to automatically transmit the at least one image from the digital camera to the service computer upon placing the digital camera and the service computer in electrical communication; a scanner attached to the removable digital camera for acquiring an identifying indicia for the product concern and automatically associating the identifying indicia with the at least one image.
12. As explain above for Independent Claim 1, Nikon teaches a digital camera which allows “insurance agents and investigators the ability to instantly capture and download images showing property damage and liability claim substantiation into a notebook computer.” Nikon also teaches that the camera “slides directly into the laptop’s personal computer card slot ... in seconds, full-color images appear on screen, ready to be emailed, printed

or inserted into a document” (“Nikon Offers Digital Laptop Camera,” National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997).

13. Furthermore, Bradbury teaches a system comprising: a housing having a removable service computer for receiving data indicative of a product concern; and a scanner attached to the removable digital camera (Abstract, C2 L3-43, C7 L53-59, C9 L22-23, Fig.1, Fig.9).
14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a system comprising: a housing having a removable service computer for receiving data indicative of a product concern; a removable digital camera for capturing at least one image of a subject matter of a product concern; wherein the service computer and digital camera are configured to automatically transmit the at least one image from the digital camera to the service computer upon placing the digital camera and the service computer in electrical communication; a scanner attached to the removable digital camera for acquiring an identifying indicia of the subject matter for the product concern and automatically associating the identifying indicia with the at least one image, as disclosed by Nikon, in the system disclosed by Bradbury, in the system disclosed by DiRienzo, for the advantage of providing a system for processing a customer product concern with the ability to provide customers localized service through a portable service station.
15. As per Claims 3, DiRienzo, Nikon, and Bradbury disclose wherein the service station includes a scanner for acquiring at least one identifying indicia (Bradbury: Abstract, C2 L3-26, Fig.1).

16. As per Claims 5 and 29, DiRienzo, Nikon, and Bradbury disclose wherein the at least one identifying indicia is watermarked onto the captured digital information (DiRienzo: Abstract, C14 L36-67, C15 L1-43).
17. As per Claim 6, DiRienzo, Nikon, and Bradbury disclose wherein the scanner is attached to the digital camera assembly (Bradbury: Abstract, C2 L3-26, Fig.1).
18. As per Claims 7 and 30, DiRienzo, Nikon, and Bradbury disclose wherein the service station comprises a housing having a base and a base cover (Bradbury: Abstract, C2 L3-43, Fig.1).
19. As per Claims 8 and 31, DiRienzo, Nikon, and Bradbury disclose wherein the base comprises a first recessed portion for receiving a computer (Bradbury: Abstract, C2 L3-43, C8 L20-30, Fig.1, Fig.9).
20. As per Claims 9, DiRienzo, Nikon, and Bradbury disclose wherein the base further comprises a second recessed portion for receiving the digital camera assembly (Bradbury: Abstract, C2 L3-43, C3 L46-63, Fig.1).
21. As per Claims 13 and 36, DiRienzo, Nikon, and Bradbury disclose wherein the service station (housing) comprises a power supply for providing electrical power to the digital camera assembly (Bradbury: Abstract, C2 L3-43, C7 L17-30, C7 L53-68, Fig.1, Fig.9).
22. As per Claims 14 and 37, DiRienzo, Nikon, and Bradbury disclose wherein the service station (housing) comprises a battery charger for charging a battery included in the digital camera assembly for providing electrical power to same (Bradbury: Abstract, C2 L3-43, C7 L17-30, C7 L53-68, Fig.1, Fig.9).

23. As per Claim 32, DiRienzo, Nikon, and Bradbury disclose wherein the base further comprises a second recessed portion for receiving the digital camera and scanner (Bradbury: Abstract, C2 L3-43, C3 L37-53, Fig.1, Fig.9).
24. As per independent Claims 40 and 46, DiRienzo discloses a system for evaluating a concern during a real-time communication session, the system comprising: a first computer device for receiving data relating to a concern; a digital camera device for capturing at least one image relating to the vehicle warranty concern; an identifier for the product/customer and the identifier associated with the at least one image; and a second computer device for receiving the data, the at least one image and the identifier from the first computer device via a communication network to evaluate the warranty concern during a real-time communication session.
25. DiRienzo fails to expressly disclose wherein the product concern is a vehicle warranty concern, a scanner device configured to capture an identifier for the vehicle, and wherein the digital camera device is configured to transmit the at least one image and the identifier to the first computer device in an automated fashion upon establishing communication between the digital camera device and the first computer device.
26. As explained for independent Claim 1, Nikon teaches a digital camera which allows “insurance agents and investigators the ability to instantly capture and download images showing property damage and liability claim substantiation into a notebook computer.” Nikon also teaches that the camera “slides directly into the laptop’s personal computer card slot ... in seconds, full-color images appear on screen, ready to be emailed, printed

or inserted into a document” (“Nikon Offers Digital Laptop Camera,” National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997).

27. Nikon does not expressly disclose using the system for a vehicle warranty concern, but as explained above, Nikon does suggest using the system for insurance agents and investigators, and it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this groups, as it would be a commonly form product investigation.
28. Furthermore, as Explained for independent Claim 27, Bradbury teaches a system comprising: a housing having a removable service computer for receiving data indicative of a product concern; and a scanner attached to the removable digital camera (Abstract, C2 L3-43, C7 L53-59, C9 L22-23, Fig.1, Fig.9).
29. While Bradbury does teach including a scanner in the system, Bradbury does not expressly disclose using the scanner to identify indicia in order to identify a product or person. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scanner in this manner – as it was commonly used for such purposes throughout industry (merchandising, inventory control, and item identification).
30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the product concern is a vehicle warranty concern, a scanner device configured to capture an identifier for the vehicle, and wherein the digital camera device is configured to transmit the at least one image and the identifier to the first computer device in an automated fashion upon establishing

communication between the digital camera device and the first computer device, as disclosed by Nikon, in the system disclosed by Bradbury, in the system disclosed by DiRienzo, for the advantage of providing a system for processing a customer product concern with the ability to provide customers localized service through a portable service station.

31. As per Claim 41, DiRienzo, Nikon, and Bradbury disclose wherein at least the digital camera device and the identification device are embodied in a single unit (Bradbury: Fig.1).
32. As per Claims 44 and 49, DiRienzo, Nikon, and Bradbury disclose wherein the identifier is watermarked onto the at least one image (DiRienzo: Abstract, C14 L36-67, C15 L1-43).
33. As per Claims 45 and 50, DiRienzo, Nikon, and Bradbury disclose wherein communication between one or more of the devices is via one or more cables (Bradbury: Fig.1).
34. Claims 10-12 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo in view of Nikon, in view of Bradbury, and further in view of Harvey (US 6,208,507 B1).
35. As per Claims 10 and 33, DiRienzo, Nikon, and Bradbury fail to disclose wherein the second recessed portion further comprises a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly.
36. Harvey teaches a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly (Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly, as disclosed by Harvey in the system disclosed by Bradbury, in the system disclosed by DiRienzo, for the advantage of providing a system for processing a customer concern with an interconnectable portable service station.
38. As per Claims 11 and 34, DiRienzo, Nikon, Bradbury, and Harvey disclose wherein the plurality of terminals comprises a first set of terminals for communication with a first set of camera terminals for charging the digital camera assembly (Bradbury: Abstract, C7 L17-30, Fig.1, Fig.9)(Harvey: Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).
39. As per Claims 12 and 35, DiRienzo, Nikon, Bradbury, and Harvey disclose wherein the plurality of terminals further comprises a second set of terminals for communication with a second set of camera terminals for transmitting data between the digital camera assembly and the first computer (Bradbury: Abstract, C7 L17-30, Fig.1, Fig.9)(Harvey: Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).
40. Claims 4, 28, 42, and 47 are rejected under 35 U.S.C. 103 as being unpatentable over DiRienzo, Nikon, and Bradbury.
41. As per Claim 4, 28, 42, and 47, DiRienzo, Nikon, and Bradbury do not expressly show wherein the at least one identifying indicia is a vehicle identification number.
42. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of the type of indicia used. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the vehicle identification number as the identifying indicia, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

44. Claims 38 and 39 are rejected under 35 U.S.C. 103 as being unpatentable over DiRienzo, Nikon, and Bradbury.

45. As per Claim 38 and 39, DiRienzo, Nikon, and Bradbury do not expressly show wherein the product concern involves a warranty concern related to a vehicle.

46. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of what the warranty concern related to. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a warranty concern related to a vehicle, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

48. Claims 43 and 48 are rejected under 35 U.S.C. 103 as being unpatentable over DiRienzo, Nikon, and Bradbury.
49. As per Claim 43 and 48, DiRienzo, Nikon, and Bradbury do not expressly show wherein the identification device is a barcode scanner.
50. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of what the type of identification device used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a barcode scanner as the identification device, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Response to Arguments

52. Applicant's arguments with respect to Claims 1, 3-14, and 27-50 have been considered but are moot in view of the new ground(s) of rejection.
53. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

54. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

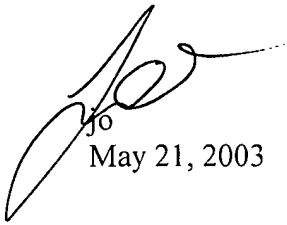
Conclusion

55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
56. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
57. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

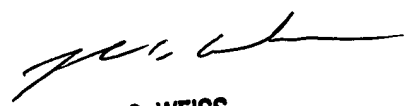
Application/Control Number: 09/547,661

Page 14

Art Unit: 3629



40
May 21, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600